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President: Mr. Ping ..... (Gabon)

The meeting was called to order at 3.10 p.m.

Agenda item 37

Question of Palestine

Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/59/35)

Report of the Secretary-General (A/59/574)

Draft resolutions (A/59/L.34, A/59/L.35, A/59/L.36, A/59/L.37)

The President (*spoke in French*): I give the floor to Mr. Paul Badji of Senegal in his capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, who will introduce draft resolutions A/59/L.34 through A/59/L.37 in the course of his statement.

Mr. Badji (Senegal) (*spoke in French*): In an unambiguous show of support for the Palestinian people in its quest for a comprehensive, just and lasting solution to the question of Palestine, the representatives of Member States and observers from United Nations bodies, intergovernmental organizations and civil society took the floor this morning to commemorate the International Day of Solidarity with the Palestinian People. As Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like again to thank everyone for that valuable support and for your keen interest and active participation in the search for a peaceful solution to the Israeli-Palestinian conflict.

Before submitting for your consideration the four draft resolutions, which our Committee initiates every year and which it approved at the beginning of this month, allow me to make a few brief comments on the situation in the occupied Palestinian territory and on recent developments in the political process.

This debate is taking place during an extremely difficult and critical period for the Palestinian people. The Palestinians indeed are mourning the passing of their chief and historic leader, Yasser Arafat, who was Chairman of the Executive Committee of the Palestine Liberation Organization and President of the Palestinian Authority. They are joined in their grief by millions of activists and sympathizers around the world who paid tribute, as we did here in this Assembly a fortnight ago, to that symbol of their cause, who rose during his lifetime to become the embodiment of the legitimate aspirations of the Palestinian people to self-determination, freedom, independence and national sovereignty. President Yasser Arafat devoted his life to the struggle for the effective exercise of the inalienable rights of his people, particularly through the creation of a State on the land of Palestine with East Jerusalem as its capital and the return of Palestinian refugees driven from their homeland by a violent, bloody and endless conflict.

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President Arafat firmly believed that the United Nations would succeed in bringing about a comprehensive, just and lasting solution to the question of Palestine. It is indeed up to the United Nations — in particular it is up to the General Assembly, the Security Council and the International Court of Justice, among others — to set the parameters for such a lasting solution in Palestine.

While we stand side by side with the Palestinians during this painful period, we are fully aware that the new situation is full of new challenges, as well as opportunities. We are convinced that the Palestinian people is aware of that as well. Its leadership took immediate steps to avoid any kind of difficulty in the transfer of power, in accordance with Palestinian Basic Law. I would like to extend my best wishes for success to the Palestinian leadership in their efforts to close ranks and prepare for the election of a new president of the Palestinian Authority. It is critical that calm and public order prevail now, so that elections can take place under the best possible conditions of freedom, fairness and transparency. The Committee will support all efforts to resume the political dialogue with Israel in order to pave the way toward the implementation of the road map.

On behalf of the Committee I call upon Israel to refrain from all actions that may further destabilize the situation at this critical stage, in particular the continuation of settlement activity and the construction of the separation wall. As the occupying Power, Israel has the duty to facilitate the organization and proper conduct of Palestinian elections, which must take place with the full participation of the Palestinians of East Jerusalem. Israel must take steps to significantly improve the humanitarian situation of the Palestinians by lifting curfews and easing restrictions on the freedom of movement of persons and goods.

The situation in the occupied Palestinian territory remains extremely distressing. As a result of Israeli incursions, closures and curfews, the Palestinian economy is on the verge of collapse. Several months ago the World Bank declared the situation to be one of the worst recessions in modern history. Palestinian living conditions have dramatically deteriorated.

Widespread poverty is gaining ground, unemployment continues to rise and the revenues of the Palestinian Authority are far below its expenditures. Since the Palestinian Authority is the primary employer, it is imperative that it remain financially viable and that the financial assistance of donors be maintained and increased.

The countless individual tragedies, from which no Palestinian family has been spared, are yet another result of Israeli military actions in the occupied Palestinian territory. Last month alone, 165 Palestinians, including 50 civilians, were killed by the Israeli army. Israel has not abandoned the illegal practice of extrajudicial killings, particularly in densely populated areas where very often innocent bystanders are killed. Our Committee strongly condemns those acts as violations of international humanitarian law. It also equally strongly condemns suicide bombings against Israelis. There is no justification whatsoever for those deadly acts, irrespective of their stated objectives or perpetrators. All such acts harm efforts at reconciliation and push the goal of peaceful coexistence even further away.

Israel has the right to legitimate self-defence, but it must exercise that right in strict compliance with international legality. However, Israeli military operations and incursions in the occupied territory are often accompanied by the disproportionate use of force and by collective punishment of Palestinians through the destruction of homes and imposition of closures and curfews. Under international law Israel, as the occupying Power, is obligated to spare Palestinian civilians, in particular children, and to protect their property and rights. While the Quartet and members of the international community are endeavouring to find the ways and means to implement the road map, Israel is violating the provisions of this settlement plan, with no concern whatsoever for its own obligations.

Settlement activities, in particular in the large settlements of "Gush Etzion" and "Maale Adumim", are continuing, with major expansions in East Jerusalem and its environs with the support of the Government and the private sector. Its pace has been unprecedented since 1992, as has been described by observers. The same activity, particularly along the corridor linking Jerusalem to Maale Adumim, has serious consequences for Palestinian territory because it would create two Palestinian enclaves more or less entirely separated from the rest of the West Bank.

All this is happening almost as we speak. Less than two weeks ago, on 17 November, the Knesset Finance Committee transferred 2.4 million new Israeli shekels (some $548,000) for the construction of buildings in the "Gush Etzion" block. Another 380,000 shekels (almost

$87,000) were approved to fund security for settlers in East Jerusalem.

Our Committee remains deeply concerned about the construction of the separation wall in the West Bank. In spite of the Advisory Opinion of the International Court of Justice, which this Assembly adopted in resolution ES-10/15 on 20 July 2004 by an overwhelming majority, Israel is continuing to confiscate lands, to destroy houses, arable land, valuable farmland and to isolate Palestinian communities from each other. The Court, in providing this Advisory Opinion, once again gave international law a place in the foreground, in the dialogue between Israelis and Palestinians regarding the conflict that has pitted them against each other for so long. Respect for the rules and principles of international law is a sine qua non for a negotiated solution to this conflict.

The current situation requires that the parties to the conflict, Palestinians and Israelis, together with the friends of both peoples throughout the world, make even greater efforts to restore the peace dialogue. The United Nations, together with its partners in the Quartet and in the region, must continue its work to achieve the full implementation of the road map. The common goal is the implementation of the road map, based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the end of the occupation that started in 1967 and the establishment of a sovereign, democratic, viable and contiguous Palestinian State living side by side in peace with Israel within secure, internationally recognized borders.

In this context, I would like to introduce to the Assembly the four draft resolutions approved by the Committee and circulated under this agenda item, namely A/59/L.34, A/59/L.35, A/59/L.36 and A/59/L.37.

Before I do that, however, allow me to report that Madagascar has joined the sponsors of the four draft resolutions.

The first three drafts are related to the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, a subsidiary organ of the General Assembly, and the Division for Palestinian Rights, and the Department of Public Information of the United Nations Secretariat. They reaffirm the importance of the mandates entrusted to these entities by the General Assembly. As in the past, the Committee intends to make sure that resources available to it are employed in the best manner for all mandated activities. The three drafts have been updated and streamlined.

The fourth draft resolution, entitled "Peaceful settlement of the question of Palestine", reaffirms the position of the General Assembly with regard to the essential elements of such a settlement and includes references to the developments of the past year. In particular, this year's draft reflects the importance of the Advisory Opinion issued by the International Court of Justice on the legal consequences of the construction of a wall in the occupied Palestinian territory.

The four draft resolutions that I have just introduced outline positions, mandates and programmes that are of special importance, particularly at the present critical stage. I would like to urge the General Assembly to adopt these draft resolutions and show its firm support for the noble and important goals contained therein. These are the objectives of peace, reconciliation and security for Palestine, for Israel, for the Middle East and for the entire world.

Mr. Camilleri (Malta): It is an honour for me, in my capacity as Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to present to the General Assembly the annual report of the Committee contained in document A/59/35.

In the course of the past year, the Committee continued to carry out the mandate given to it by the General Assembly. The report I am about to present covers developments relating to the question of Palestine, the peace process and the activities of the Committee during the period from 10 October 2003 to 6 October 2004.

The introduction of the report outlines the Committee's objectives and its general perspective on events that have taken place in the course of the year. Chapters II and III refer to the resolutions renewing the General Assembly mandates of the Committee, as well as to the work of the Division for Palestinian Rights and the Department of Public Information, and contain information on the organization of the Committee's work during the year.

Chapter IV reviews at some length the situation relating to the question of Palestine and the relevant political developments, as monitored by the Committee during the year. Reviewed here were various aspects of the situation on the ground, including Israeli actions in response to the intifada; the settlement activity of the occupying Power; the implications of the construction of the separation wall in the West Bank and the Advisory Opinion of the International Court of Justice; the situation

with respect to Palestinian prisoners; the humanitarian situation and the state of the Palestinian economy; the situation with respect to water resources available to the Palestinians; the situation of women and children; action by the United Nations system; and the continuing operational difficulties faced by the Unite Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). In this Chapter, the Committee also clearly states its position with regard to extrajudicial executions of Palestinians and terrorist attacks against Israeli civilians.

Chapter V, which reviews the action taken by the Committee, is divided into two main sections. Section A describes action to promote Palestinian rights in the United Nations, including the General Assembly and the Security Council. This section makes reference to the statements made by the Committee and provides information on the participation by the Chairman at various international forums.

Section B contains a detailed account of the implementation of the programme of work of the Committee and the Division. It also provides information on the continued dialogue between the Committee and members of the African Union, the Movement of Non-Aligned Countries, the Organization of the Islamic Conference, the European Union, the International Committee of the Red Cross and the Inter-Parliamentary Union. This section also gives an account of the various international meetings organized in the course of the year; the Committee's cooperation with civil society; the research, monitoring and publication work of the Division; the United Nations Information System on the Question of Palestine (UNISPAL); the training programme of staff of the Palestinian Authority; and the observance of the International Day of Solidarity with the Palestinian People.

Chapter VI provides an overview of the work done over the year by the Department of Public Information in pursuance of General Assembly resolution 58/20 of 3 December 2003.

The final chapter of the report contains the conclusions and recommendations of the Committee. In this chapter, the Committee expresses its concern over the failure of efforts to revive the peace process against the backdrop of the continuing violence, tragic loss of life and the deepening humanitarian crisis in the occupied Palestinian territory, including East Jerusalem. It expresses its strong opposition to the continued construction of the separation wall on Palestinian land and the expansion of settlements. The Committee maintains that the continuing Israeli occupation remains the core of the conflict and that a negotiated solution is urgently needed to end the occupation and enable the Palestinian people to exercise their inalienable rights.

The Committee expresses its continued belief that the road map is the best way to achieve the goal of a comprehensive, just and lasting solution of the question of Palestine through the establishment of two States, Israel and Palestine, based on the 1967 borders. A settlement should be based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003) and other relevant resolutions.

The Committee welcomes the Advisory Opinion of the International Court of Justice on the illegal construction of the separation wall and the position of the General Assembly in that regard. It expresses concern that the construction has not stopped, thereby hampering efforts at resolving the conflict and rendering a two-State solution almost impossible. The Committee's position is that the international community must ensure that the occupying Power abide by the provisions of the Court's Advisory Opinion.

The Committee expresses appreciation for the involvement of Governments, intergovernmental organizations, United Nations entities and civil society in its programme of international meetings and conferences, which facilitates discussion and analysis of the various aspects of the question of Palestine. It commends civil society organizations for their efforts to uphold international legitimacy with regard to the question of Palestine through advocacy and mobilizing public opinion, as well as for their unremitting initiatives to alleviate the suffering of the Palestinian people.

The Committee emphasizes the essential contribution of the Division for Palestinian Rights of the Secretariat in support of the Committee's mandate and implementation of its programme of work. It requests the Division to continue its programme of publications and other informational activities, such as the further expansion and development of UNISPAL and the graphic enhancement of the "Question of Palestine" web site. It also notes the usefulness of the annual training programme for staff of the Palestinian Authority, and expects the Division to continue the programme, as well as to heighten international awareness of the question of Palestine.

The Committee expresses the view that the Department of Public Information's special information programme on the question of Palestine has made an important contribution to informing the media and public opinion on the relevant issues. It requests the programme's continuation, with the necessary flexibility, as warranted by developments relevant to the question of Palestine.

Finally, wishing to make its contribution to the achievement of a just and lasting settlement of the question of Palestine and in view of the many difficulties facing the Palestinian people and besetting the peace process, the Committee calls on all States to join in that endeavour and again invites the General Assembly to recognize the importance of the Committee's role and to reconfirm its mandate with overwhelming support.

I trust that the report I have just introduced will be of assistance to the General Assembly in its deliberations on this very important issue.

The President (*spoke in French*): I thank the Rapporteur for the Committee for the Exercise of the Inalienable Rights of the Palestinian People. I now give the floor to the head of the delegation of the Permanent Observer Mission of Palestine, Mr. Farouk Kaddoumi.

Mr. Kaddoumi (Palestine): I have the honour today to address the General Assembly at its fifty-ninth session during the consideration of the agenda item entitled "Question of Palestine". I would like to begin by congratulating you, Mr. President, for your election to the presidency of the General Assembly and to thank your predecessor, who actively and successfully carried out his duties during the past year.

Allow me also, Sir, to wish you a very successful and fruitful presidency, especially at this crucial, chaotic and historic juncture in our history — where the forces of peace and war are being so sharply polarized. It is at such junctures that the General Assembly can play the influential role and exercise the responsibility it has taken upon itself: to act as a universal moral force for freedom and justice and as a major, globally supportive advocate in the struggle for emancipation, freedom and independence of all oppressed and colonized peoples. From its inception, the Assembly has opted to be at one with the forces of justice and peace and with the inalienable rights of the peoples for independence and self-determination.

Before briefing the Assembly on the major developments in our part of the world and on the current situation in our sacred land, Palestine, I wish to reiterate my thanks to all the peoples and Governments represented here who have expressed principled, active and long-standing support for the rights of the Palestinian people in their struggle for liberation. I thank them for their invaluable contributions aimed at achieving peace and stability in Palestine and in the Middle East.

I would like also to express my special thanks to the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and its Chairman, Paul Badji, the Division for Palestinian Rights of the United Nations Secretariat, and the special information programme on the question of Palestine of the Department of Public Information. I hope that the programme for the biennium 2004-2005 will continue its excellent work at sensitizing public opinion to the question of Palestine. At the same time, I have the pleasure to express my gratitude to His Excellency Kofi Annan, the Secretary-General of the United Nations, for his support for our cause and for his continuous efforts to serve the cause of peace.

So much has happened in Palestine since our last meeting, namely the sad loss of our great leader, Yasser Arafat, the man who had placed all his hope for justice and liberation on this Assembly and on the United Nations in general, the freedom fighter who sacrificed his life so that his people might reach independence and justice, the man who was present here in this Assembly on 13 November 1974 — that is exactly 30 years ago — begging the world not to let him drop the olive branch from his right hand. President Arafat, who shook hands at the White House in 1993 with his one-time enemy, the late Prime Minister of Israel, Rabin, was not allowed to leave his humble residence in Ramallah for almost three years. He left it on 29 October 2004 to be urgently transferred to the military hospital in Paris where he passed away on 11 November 2004. His last wish, to be buried in the holy city of Jerusalem, his birthplace, was denied to him by the Israeli occupying forces, who could not even pretend to be generous toward our late leader's wishes, notwithstanding the fact that he was the man who sought to shake hands and make peace with several Israeli leaders. The man who received the Nobel Prize for being a main partner in the peace process with his Israeli counterparts in 1974 was declared unpopular by the Sharon Government and by the Bush Administration. Rabin, our partner in the peace process, was assassinated two years later by the very same people who stand today

against any development in our long and tortuous peace process.

It is at this critical juncture of our history, in the spirit of mourning, that I speak to you today at this distinguished Assembly. For us, the Palestinian people, as well as for the Palestinian leadership, this is a period of crucial transition. It is a period when all of us have to stand together in order to establish our democratic institutions and to relaunch negotiations with a view to establishing our independent democratic State on the basis of international legality and all relevant United Nations resolutions.

Unfortunately, Palestine, our sacred land, is still today — in our third millennium, in this twenty-first century — under occupation and suffering from an apartheid policy similar to that endured by the people of South Africa, and this despite all the good will expressed by the leaders of the Palestine Liberation Organization with a view to reaching a peaceful solution through the various peace accords.

For more than two years, Israel has strengthened its hold on the occupied Palestinian territories by building a segregation wall, suffocating Palestinian towns and villages, bulldozing houses, razing olive trees and citrus groves along its way, separating Palestinian villages and towns from each other, erecting checkpoints and bypass roads, and making life unbearable for the Palestinians, who have to wait for hours at checkpoints in order to move between two nearby towns. Workers can sometimes not reach their homes or places of work. Students do not have free access to their schools and universities. Pregnant women have often been forced to deliver at checkpoints.

The roads regime, which is based on separation through discrimination, bears clear similarities to the racist apartheid regime that existed in South Africa until 1994. This regime distinguishes between three categories of roads, and an individual's national origin determines his right to use various roads. Widespread closures and curfews, limits on freedom of movement and impeded humanitarian access to those in need have contributed to the decline in living conditions and poverty.

The situation in Gaza is particularly disturbing. Many of the 1,200,000 Palestinians in Gaza live in abject poverty and in refugee camps, while thousands and thousands of Palestinians are suffering in Israeli prisons, among them are a large number of women and children.

On 24 June 2004, a World Bank study revealed that

> "the deep economic crisis in the West Bank and Gaza threatens to impoverish and alienate a generation of young Palestinians... The Palestinian recession is among the worst in modern history. Average personal incomes have declined by more than a third since September 2000, and nearly a half of Palestinians now live below the poverty line ... [The] economic crisis has been caused by restrictions on the movement of Palestinian people and goods ... Without a major reform of the closure regime, however, the Palestinian economy will not revive and Israel's security gains may not be sustainable."

This would be a generally bleak political and economic situation. Great efforts have been exerted by the international community to influence the course of justice in Palestine, such as the action of the International Court of Justice, which on 9 July expressed its Opinion on the legal consequences of the construction of a wall in the occupied Palestinian territories. Following the Advisory Opinion, the General Assembly of the United Nations convened on 20 July 2004, acknowledging the Advisory Opinion of the International Court of Justice, and considered a draft resolution reaffirming the position of the International Court of Justice. The result of that vote was 150 nations voting in favour of the resolution, with only six countries voting against, and 10 abstentions.

On 14 April 2004, President Bush sent a letter of guarantees and assurances to Prime Minister of Israel Sharon, following the meeting between them in which he outlined the United States position on several crucial final status issues, which differed in some of their aspects from the long-standing American position on the legality of Israeli settlements in the occupied territories, acquisition of territory by force and the Palestinian refugee issue.

With regard to the so-called Israeli withdrawal plan from Gaza, President Bush made it clear that Israel should continue to control air space, territorial waters and land passages after withdrawal.

> "The United States understands that, after Israel withdraws from Gaza and all parts of the West Bank, and pending agreements on other arrangements, existing arrangements regarding control of air space, territorial waters and land passages of the West Bank and Gaza will continue. The United States is strongly committed to Israel's security and well-being as a Jewish State."

To hear such talk, one would imagine that Israel was a weak, unarmed State facing a very strong enemy, which, as the Assembly is aware, is the opposite of the truth. Israel is not only one of the greatest — if not the only — nuclear Powers in the Middle East; it is approximately the fourth-strongest army in the world and is a very sophisticated, high-technology arms developer and dealer, with no ethical or moral constraints and with no human rights concerns.

Israel and the United States, despite the many concessions that have been accepted by the Palestinians, and despite the deteriorating economic situation of the Palestinian people, are always trying to put the blame for the failure of the peace process on the Palestinian side, claiming that Palestinian institutions need reform, whereas their institutions are represented as perfect models of democracy and justice. And after that, Mr. Sharon destroyed all those institutions.

It is worth noting, however, that the European Union has been, conversely, expressing a firm stand in support of the establishment of an independent and viable State:

> "The European Union remains firmly committed to a negotiated settlement resulting in two viable, sovereign and independent States as the only way to achieve permanent peace and an end to the occupation that began in 1967. In the framework of a comprehensive peace in the Middle East, the European Union heads of State and Government recently indicated that they would not recognize any change to the pre-1967 borders other than those arrived at by agreement between the parties. A permanent settlement must also include an agreed, just, firm and realistic solution to the refugee issue."

The Palestinians entered the peace process on the understanding that, first, it would deliver a concrete improvement to their lives during the interim period; secondly, that the interim period would be relatively short, that is, five years; and, thirdly, that the permanent agreement would ensure the implementation of Security Council resolutions 242 (1967) and 338 (1973).

Israel's Camp David proposal, which was never put into writing, denied the Palestinian State viability and independence by dividing Palestinian territory into four separate cantons entirely surrounded, and therefore controlled, by Israel: the north West Bank, the central West Bank, the southern West Bank and Gaza.

Going from any one area to another would require crossing Israel's sovereign territory and consequently subject the movement of Palestinians within their own country to the control of Israel. Such restrictions would apply not only to the movement of people but also to the movement of goods, in effect subjecting the whole Palestinian economy to Israeli control.

The Camp David proposal also denied Palestinians control over their own borders, airspace and water resources, while legitimizing and expanding illegal Israeli colonies in Palestinian territories. Israel's Camp David proposal represented simply a repackaging of military occupation, and Barak claimed that he offered us "painful concessions".

The new peace initiative — it is now about two years old — which is called the road map, in fact offers several advantages. In contrast with the Oslo Accords, it affirms that Israel must put an end to occupation as well as induce the creation of a viable Palestinian State. The road map was devised and introduced by the Quartet, namely the United Nations, the European Union, Russia and the United States. The Quartet will be the arbiter of this proposal, which means that it should have a more balanced and fairer adjudicator.

Despite improvements over previous initiatives, the road map contains at least one essential flaw that could easily undermine the successful realization of a just peace. The proposal is based on a three-phase solution. The first two phases have concrete guidelines that specify each side's obligations and determine the dates of implementation. The four most difficult issues are, however, left to the final phase. Within a year of the beginning of that phase, the two parties are supposed to resolve the differences that have been at the heart of the conflict for over 36 years: first, the final borders between the two States — no solution; the status of Jerusalem — no solution; the dismantling of Jewish settlements — no solution; the right of return of Palestinian — no proposal for a solution.

The road map itself says nothing about how these four problems are to be resolved. Yet the power differential between the two sides is such that the Palestinians will have to depend on the good intentions of Israel or of Sharon. Prime Minister Sharon has already voiced 14 objections to the road map, and he has not, through his policies, been expressing any good intentions.

Finally, the rift between the Administration and its moderate Arab allies over Bush's statement on Israeli

settlements is one of the worst to emerge in years and has exacerbated the already tense relations between the United States and the Arab countries over the war in Iraq. Arab leaders have accused the United States Administration of essentially taking away from the Palestinians their primary negotiating leverage in any final peace deal by siding with Israel over the question of the removal of all settlements from the West Bank and that of the right of return for Palestinian refugees.

In conclusion, allow me once again to highlight an important issue that we emphasized before the International Court of Justice:

> "Israel is now faced with the choice of complying with the law or risk officially becoming an outlaw State. Israel's friends should urge and, indeed, compel Israel to abide by the opinion and to respect the law, and the international community must act decisively to ensure respect for, and reject any attempts to undermine, the law."

Meanwhile, and until the law is applied — as we hope it will be — the unarmed Palestinian people, together with other peoples in the world suffering as a result of occupation, racism and colonialism, can only try to resist, within the means available to them, in order to defend themselves and to survive so that their children may, perhaps, witness better times.

Mr. Gillerman (Israel): The question of Palestine is not rhetorical. It should not be an endless philosophical inquiry, or an eternal thorn in the sides of all those who reside in the Middle East. On the contrary, it is a question that has an answer — a problem that can be solved. In fact, we stand today at a critical juncture in the history of the Middle East. It is up to us to grasp the opportunity for the sake of our children and their fragile futures. We have no choice but to reach towards the promise that it heralds, rather than remain stuck in the dark abyss of the past, as the previous speaker tried to do.

The answer to the question of Palestine is mutual understanding, mutual acknowledgement and mutual respect. It is a commitment to negotiations, to the renewal of the road map's implementation and to the responsibilities that it demands of all parties. Only in that way can we reach the goal of a region where two States, Israel and Palestine, live side by side in peace and security.

For too long, our region has been dominated by conflict, often — as today — reflected in this Hall by hostile recriminations. Perhaps this is due to the unwillingness of all parties to look inward and take responsibility for their own actions. If we are to move forward, we must work together, not against each other, directing our energies against common enemies and towards common goals. All parties must take ownership of their obligations and be conscious of their responsibilities, as much as of their rights. It is only in that manner that we will be able to answer the questions that our troubled region poses for us.

It is, of course, no accident that this discussion is occurring on this day. It was on 29 November, 57 years ago, that this Organization recommended the establishment of two States — one Jewish and one Arab. Especially coming as it did on the heels of the Holocaust, that action was welcomed wholeheartedly by Jews, who celebrated in the streets of our cities and called for peace. Unfortunately for all, at the time the Arab world did not share our acceptance and hope for the future. Unfortunately for all, they chose obstinacy over cooperation and rejectionism over hope. It is indeed a sad paradox that today the General Assembly commemorates the effects of that rejection.

But Israel believes that the winds of change are blowing in the Middle East. We are hopeful that, despite all the difficulties, a new spirit of understanding will emerge. As Prime Minister Sharon recently said to the Knesset — the Israeli parliament — "Israel is interested in renewing the political negotiations under the road map", because "the road map was and is the only political plan accepted by the State of Israel, and we adhere to it." Prime Minister Sharon also said that: "We have no desire to permanently rule over millions of Palestinians ... The disengagement plan presents the possibility of opening a gate to a different reality."

The Israeli Government's disengagement plan is a courageous initiative, both domestically and internationally, and it can help to pull the region back towards negotiations. By giving the Palestinian people greater control over their lives, improving the security and humanitarian situation for both peoples and working to take terror out of the equation, we are hopeful that it will help to usher in a new era of negotiations and reciprocal accommodations. As well as a physical move, the disengagement plan is a symbolic one, signifying that Israel is committed to creating opportunities for a better future. We have respect for the Palestinian people, and we seek a future where both peoples can live in respect and prosperity, free from fear and from bloodshed.

The coming elections of the Palestinian Authority are a critical opportunity and an important test. Israel will make it possible for international observers to monitor the elections and will do all that it can to facilitate a smooth, fair, transparent and democratic electoral process. We are hopeful that the Palestinian people will be able to elect a leadership that will serve their interests, working towards peace and development, and pushing forward to construct an architecture of peace and an end to terrorism.

In the lead-up to the election, there are signs of increasing cooperation. For example, only last week the Israeli and Palestinian tourism ministers signed an agreement on collaborative measures to ensure the safe and smooth passage of pilgrims and tourists visiting our region, especially during the Christmas season. As the Palestinian tourism minister, Mr. Mitri Abu Aita, observed, that was a step towards better cooperation.

Both Israelis and Palestinians have suffered for too long — physically, economically and psychologically. For too long, corruption has plagued the Palestinian leadership and denied to the Palestinian people accountable leaders that are committed to the welfare of their people and to the path of coexistence and peace. The morally bankrupt strategy of terrorism and the idea that violence can bring political gains has produced nothing but bloodshed and poverty.

I truly believe that most Palestinians — although, sadly for them, not the voice speaking on their behalf in this Hall today — realize that it is not poverty that breeds terror, but, rather, terror that breeds poverty.

Terrorism has endangered both Israeli and Palestinian lives. It is our common enemy. As the road map recognizes, its early eradication is indispensable to progress. Israel recognizes that it has responsibilities, and it is ready to fulfil them. But it is not alone. It is time for a new Palestinian leadership to emerge that meets the needs of its population, the imperatives of peace and the expectations of the international community.

Recognizing the import of this moment in history, the Secretary-General himself said last week that the Palestinian elections are "an opportunity to really come together and move ahead with the implementation of the road map, and we believe that the Israeli Government is also ready to do this." He spoke truly. The Israeli Government, and the Israeli people, have long been ready to do this — and we are ready to do this now.

There are no shortcuts in this process. We must learn from the mistakes of the past and refuse to appease or neglect the forces that seek to undermine any genuine and peaceful settlement.

Palestinian leaders must end incitement in their media and in religious and educational institutions, where Jews and Israelis are routinely dehumanized in the foulest of images and words. They must also halt the use of cultural and sporting events as rallies encouraging future terror.

They must finally put an end to an educational system that glorifies murder as martyrdom and tries to delegitimize the right of the Jewish people to self-determination in their ancient homeland, side by side with their Palestinian and Arab neighbours. Both societies must educate their peoples towards tolerance, coexistence and mutual respect. While Israel answers the question of Palestine in the affirmative, that educational system seeks to cultivate generations of new terrorists who answer the question of Israel only with murder.

Finally, this new Palestinian leadership must work to eliminate terrorism and the elements that fuel its engine. As the Foreign Minister of the State of Israel, Mr. Silvan Shalom, recently said:

> "It is our hope that whoever leads the Palestinians will fight terror. This is a requirement included in phase I of the road map and endorsed by the entire international community, and it is the only way we can get back to the direct negotiations needed for peace."

There are many forces that seek to undermine any hopes for progress. Terrorist organizations such as Hizbullah, Hamas and Islamic Jihad, devoted to Israel's destruction, as well as the regimes that support them, such as Iran, are opposed to any prospect for peaceful coexistence. What the world sees as an opportunity, they see as a threat. And they will no doubt try, as they have before, to undermine any effort at reconciliation. Indeed, we are aware of specific efforts by Hizbullah, with the assistance of its State sponsors, Syria and Iran, to intensify its cooperation with local Palestinian terrorist groups in order to scuttle hopes for peace. We, the international community, must not let them succeed.

In place of terror and violence, we must weave a culture of peace and compromise. For the sake of our children, we can do no less.

Today, as I survey the assembled representatives of the international community, I know that the world is anxious for Israelis and Palestinians to move forward. As I stand here before the Assembly, I extend my hand, on behalf of the State of Israel, to our Palestinian neighbours. And I say, let us be partners in peace, facing firmly away from the acrimonious past and towards a hopeful future.

We can do this only through mutual acknowledgement and respect, not through baseless recriminations. We can do this only through negotiations and dialogue, not through endless one-sided resolutions. We call on the international community, and the Assembly, to support this common agenda. Let us cast away the politics of blame, for the pointing of fingers has never shown us the path to peace. Let us cast away the false narrative of victim and villain, which denies the fact that both sides have rights and both sides have responsibilities. Let us cast away the darkness of violence and terror, for it is of light that the Israeli and Palestinian peoples are now in need.

Mr. van den Berg (Netherlands): I have the honour to speak on behalf of the European Union. The candidate countries Bulgaria, Romania, Turkey and Croatia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, and the European Free Trade Association (EFTA) countries Iceland and Liechtenstein, members of the European Economic Area, align themselves with this declaration.

The European Union expresses its solidarity with the Palestinian people in this difficult moment. There is now a window of opportunity to revive the Middle East peace process. We therefore call on all parties to demonstrate the necessary courage and leadership to break through the present deadlock, put an end to the hostilities, and re-engage in a serious political process, as set out in the road map.

The European Union believes that the Palestinian Authority should make a 100 per cent effort to halt terror against Israelis, maintain unity, avoid provocation and undertake the necessary preparations for coordination with Israel over the Israeli disengagement plan. At the same time, Israel should lift restrictions on the freedom of movement of people and goods, release Palestinian prisoners and administrative detainees, halt settlement activity and cease construction of the separation barrier. Israel should also coordinate disengagement with the relevant Palestinian authorities.

While reaffirming our commitment to pursue High Representative Solana's short-term assistance programme, the European Union believes that that immediate action is required on three interrelated priority areas: presidential elections, improvement of the security situation, and financial support to the Palestinian Authority.

The European Union strongly supports the decision to hold free and fair elections, in accordance with Palestinian law. Elections play an indispensable role in the process of establishing strong democratic institutions. In this regard, the European Union stands ready to assist the Palestinian Authority financially, technically and politically.

The European Union calls on Israel to facilitate smooth and orderly elections by allowing proper voter registration and elections in the Palestinian territories, including occupied East Jerusalem, by allowing free movement of Palestinian politicians, legislators and other officials to prepare and hold elections; by allowing presidential candidates to campaign and Palestinians to cast their votes; and by lifting closures and removing roadblocks.

On security, the European Union has decided to accelerate the implementation of its Civil Police Assistance programme. We call on Israel and the Palestinian Authority to resume security cooperation and simultaneously to implement in full their requirements under the road map. Palestinians should immediately implement the security sector reforms, issue public calls to end terrorism and achieve a lasting ceasefire. At the same time, Israel should end its military incursions, transfer security responsibility to the restructured Palestinian security forces, and refrain from actions that would undermine trust in those forces.

The European Union is conscious of the need to establish a strong, vibrant and democratic Palestinian Authority. The Palestinian people deserve a competent and accountable Government. At this critical moment, the Palestinian Authority should make use of the means necessary to carry out its functions. The international community and Israel have a shared responsibility to support that effort. The European Union reaffirms its willingness to continue its financial support for the Palestinian Authority and calls on Israel to respect the

agreements in place by resuming the tax revenue payments and releasing financial arrears withheld so far.

While it is clear that those and other short-term initiatives are crucial and require full cooperation from all sides, the European Union is confident that their success would be greatly enhanced if they were placed within the broader political perspective.

The European Union reiterates its readiness to coordinate its efforts with the parties involved and with its partners, in particular the Quartet members and countries in the region. We therefore welcome the Quartet principals meeting that took place on 23 November.

In the past, the European Union has had reservations about the terms of reference of the two United Nations bodies dealing with the question of Palestine, because it was felt that they do not sufficiently reflect the spirit of the peace process. Nevertheless, since the European Union now has two member States that have historically held a different view, our voting pattern will respect that position and reflect it accordingly.

Mr. Almansoor (Bahrain) (*spoke in Arabic*): Today, we are discussing a very important issue, the question of Palestine. The region has witnessed a major tragic event. Indeed, the whole world, the Arab world and the Palestinian peopie have lost their leader, President Yasser Arafat, who struggled until the last moment of his life for the just cause of the Palestinian people and called for a just and comprehensive solution that ensures the realization of the inalienable rights of the Palestinian people, including the right to self-determination and the establishment of a Palestinian State, in conformity with international law and the relevant resolutions of the Security Council. Today, and with all the sadness we feel, we pray to God Almighty to embrace him in His mercy, for he was a symbol of struggle and a symbol of peace.

Once more, as we have been accustomed to do over the years, we stand before the General Assembly to debate the Palestinian question, which has remained intractable for five decades without the least glimmer of hope of a solution. Despite the efforts to find a solution enabling us to overcome the obstacles still being placed on the route to a solution, the Palestinian people wait in pain, suffering and with great patience. The issue of Palestine has remained on the agenda of the United Nations since the Organization's earliest years. It has been discussed year after year without achieving a just solution.

This question has become a real test of the effectiveness of the United Nations and of the credibility of the international community. In spite of the changes in the international situation since the inception of the United Nations and the Organization's successes in solving many international problems on its agenda, it is regrettable to note that all efforts to solve the problem of Palestine have ended in failure. Without doubt, the United Nations has tried to resolve this question over the decades, with the Security Council and the General Assembly adopting dozens of resolutions.

However, Israel's intransigence and arrogance have blocked all efforts to resolve the problem. Throughout the decades, the Government of Israel has rejected all initiatives — whether Palestinian, Arab or international — and employed policies of force, humiliation and punishment in the belief that its occupation of the Palestinian territories would become a de facto situation and that its policies and practices would silence the demands of the Palestinian and other Arab peoples.

Furthermore, Israel has created one crises after another and has resorted to the unjustified use of force through its superior military power, in flagrant disregard of the resolutions of the United Nations and international legitimacy. Such a strange attitude towards the international community has led to more bloodshed, the military occupation of Palestinian territory and the spread of settlements, which have become like cancerous growths gnawing at the Palestinian land.

It seems that the Government of Israel believes that this policy, which relies on overwhelming military power, will lead to its firm control of all the territories, and even the Palestinian resistance, and cause despair and frustration among the Palestinians by means of intimidation, ignoring the fact that the inalienable rights that the Palestinian people seek to achieve can never be vanquished, whatever military power Israel uses. Justice and the realization of their right to land are principles that the Palestinians will continue to pursue for generations to come. History teaches that the desperation that Israel causes will only produce negative consequences and an endless lack of security.

The Israeli Government's persistence in its aggression against the Palestinian people and its practice of the worst form of oppression and terrorism, irrespective of any moral, political or legal considerations, underline the fact that Israel's abhorrent approach is totally rejected by the international

community, which still calls upon Israel to implement United Nations resolutions to reach a just and comprehensive peace. Such a peace would enable the Palestinians to establish a viable State in Palestinian territory, living side by side in mutual respect with Israel, thus eradicating the roots of hatred and the mistrust produced by the long decades of conflict.

Over the years, the cycle of violence has widened and intensified in the occupied Palestinian territories, requiring the international community to make a genuine effort to act and find an immediate and urgent solution to that cycle, which will end only when its root causes are fully eradicated. The international community cannot stand by and watch as the situation deteriorates. Hopes and wishes alone cannot achieve peace and security. Peace can be achieved only by compelling Israel, the stronger party in this equation, to fulfil its commitments, comply with the relevant United Nations resolutions and withdraw from the territories it has occupied since 4 June 1967.

The Palestinian people have made tremendous efforts to put an end to this tragedy by signing agreements to achieve their aspirations of peace and stability in the region and recognition of their legitimate, and inalienable rights. For their part, the Arab countries have spared no effort to assist the peace efforts by supporting the various peace initiatives, the last of which was the Arab peace initiative proposed by His Highness Crown Prince Abdullah Bin Abdul-Aziz and endorsed by the 2002 Beirut Arab Summit. However, all those efforts and initiatives were undermined by Israel's refusal to fulfil any of its commitments or to carry out the agreed steps towards finding a solution.

In its report (A/59/35), the Committee on the Exercise of the Inalienable Rights of the Palestinian People — which was established by the General Assembly in resolution 3376 (XXX) of 10 November 1975 — expresses its growing concern at the failure of all efforts to revive the peace process because of the ongoing acts of violence, the terrible loss of human life, the disproportionate and overwhelming use of force by the Israelis, the collective punishments, the extrajudicial killings and the detention and imprisonment of thousands of Palestinians. All these practices have led to the gradual destruction of the social fabric of Palestine.

In the report's conclusions, the Committee considers that the continuation of the occupation by Israel is at the heart of conflict and the deteriorating situation in the region. Thus, it is urgent to find a negotiated settlement to end occupation and to enable the Palestinian people to exercise their inalienable rights.

The Advisory Opinion of the International Court of Justice of 9 July 2004 ruled that the building of the separation wall in the Palestinian territory, around Jerusalem and along the Green Line, was illegal. Israel, however, has scorned the Advisory Opinion and plans to complete the separation wall. The Advisory Opinion is in itself a victory for justice and an explicit condemnation of the building of the wall, which is contrary to international law. The international community should support the Advisory Opinion and seek to end the Israeli occupation of the Palestinian territories.

In that context, the road map remains the best route to a comprehensive, lasting and just solution to the Palestinian question: the establishment of two States, Palestine and Israel, based on the borders of 1967, in compliance with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and other relevant resolutions. In order to ensure the road map's success, it is crucial to establish a mechanism to guide implementation of the road map. That would ensure the legitimate and inalienable rights of the Palestinian people.

Mr. Al-Shamsi (United Arab Emirates) (*spoke in Arabic*): On behalf of the delegation of the United Arab Emirates, I would like to begin my statement by thanking the Chairman and members of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and the members of the Division for Palestinian Rights and of the Department of Public Information for their valuable efforts to achieve justice for the Palestinian cause and to uncover the facts about the Israeli practices that have contributed to the complexity and the continuation of the problem to the present day.

On the occasion of the International Day of Solidarity with the Palestinian People, the Government and the people of the United Arab Emirates wish to reaffirm their solidarity with the Palestinian people and pledge support for their just struggle to achieve their legitimate aspiration to establish an independent State, like other peoples in the world.

The Palestinian question is now at a critical crossroads, especially with the continuation of the Israeli destructive attacks against the Palestinian territories, which started in September 2000. The Israeli attacks aim at destroying national institutions of the Palestinian Authority and weakening its leadership — in particular

the late President Arafat, whose headquarters was besieged for the past three years — and obstructing all opportunities for achieving a just, lasting and comprehensive peace in the Middle East.

On the other side, throughout the past decade, the Palestinian Authority made a strategic choice of opting for peace based on negotiations with Israel and willingness to enter into peace agreements with the Israelis that could lead to the establishment of a Palestinian State on the Palestinian territories occupied since 1967, as stipulated in the relevant international legal resolutions, particularly Security Council resolutions 181 (1947), 242 (1967) and 338 (1973) and in accordance with the principle of land for peace.

Nevertheless, Israel, as represented by its Prime Minister, Mr. Ariel Sharon, has pursued a hostile policy aimed at obstructing the Oslo Accords and hindering all initiatives and international efforts seeking to resume negotiations, and implement the road map aimed at resolving the Israeli-Palestinian conflict, based on the establishment of two States, Israel and Palestine.

The present policies of the Israeli Government are part of an Israeli strategic expansionist plan that started with the establishment of an Israeli State in 1948 and continued with the occupation of the Palestinian territories in June 1967 and re-occupation of the territories administrated by the Palestinian Authority. The objective of this plan is to consolidate the status quo of occupation, and change the demographic, political and legal nature of the Palestinian territories. The plan also intends to mark the international borders of the Israeli State by force before commencing negotiations on the final borders. Otherwise, how can the world explain the statistical information and documented facts contained in the annual reports of United Nations committees and agencies, which reveal the true Israeli intentions and designs in the Palestinian territories.

For example, the latest report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People indicates that during the review period Israeli forces continued conducting intensive military strikes and actions of collective punishment against the Palestinian population, which included the systematic destruction of farmlands and economic resources, as well as the indiscriminate killing, detention and displacement of thousands of civilians living in the territories administered by the Palestinian Authority.

That was done under the pretext of self-defence and combating terrorism, yet during the period under review, from October 2003 to October 2004, the Israeli Government continued to confiscate and destroy Palestinian lands and properties and established dozens of new settlements at an unprecedented rate since 1992 in most of the Palestinian territories, particularly in East Jerusalem and the adjacent areas. The Israeli Government has expanded the settlements in the West Bank and Gaza by building additional residential units and new bypass roads. Seventy-three settlements out of 211 in the West Bank were expanded, as well as 12 out of 21 settlements in Gaza. The total Palestinian land confiscated by the Israeli Government during the period from October 2003 to June 2004 has reached 500,000 square metres. That is in addition to thousands of acres that have been confiscated or changed with the imposition of Israeli military and administrative control over such lands for the purpose of constructing the separation wall in the West Bank and East Jerusalem.

That wall has resulted in the isolation of 38 per cent of the Palestinian population in separate bantustans and the annexation of their villages in violation of resolution ES-10/10 of the tenth emergency special session of the General Assembly and in contempt of the decision of the International Court of Justice issued on 9 July 2004, which called for an immediate halt to the construction of the separation wall and the dismantling of the parts already constructed because of the damage it does to the livelihood of the Palestinian people and to the prospects for establishing an independent Palestinian State in the future.

The United Arab Emirates reiterates its strong condemnation of all those Israeli practices which are categorically rejected and which constitute flagrant violations of the United Nations Charter and of international and humanitarian law, including the Fourth Geneva Convention of 1949.

The United Arab Emirates is extremely concerned at the serious consequences of ignoring the Palestinian question, which has fuelled frustration and despair among large sectors of the peoples of the region, thus increasing violence. We, therefore, reaffirm the joint responsibility of the international community, represented by the United Nations and its specialized agencies, as well as the Quartet, to find a solution to the Palestinian question. The Security Council must pressure Israel to stop, as a first step, its constant military attacks — including those measures that constitute collective punishment and State

terrorism against the Palestinians — in order to create an environment conducive to the reinvigoration of the peace process and resumption of negotiations. In that context, the United Arab Emirates calls for the following:

First, the international community must force Israel to withdraw, in coordination with the Palestinian Authority, from all Palestinian territories it has occupied since 1967, including Al-Quds Al-Sharif, and to stop all illegal settlement activities, including the construction of the separation wall, and to dismantle that part of the wall that has already been constructed.

Secondly, the international community should provide the necessary protection to the Palestinian people. The international community must support the Palestinians economically and politically in order to enable them to hold the elections scheduled for next January, re-establish their institutions, reconstruct their destroyed towns and cities, and improve their humanitarian and social conditions.

Thirdly, we must reaffirm the fundamental principals of the Palestinian cause with respect to issues relating to settlements, borders, refugees and the status of Jerusalem, as stipulated in General Assembly resolutions 181 (II) and 194 (III), and Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), which are all consistent with the Arab Peace Initiative adopted by Beirut Summit in 2002.

In conclusion, we hope that our present deliberations on this item will lead in the light of recent political developments on the Palestinian scene to increased international peace efforts aimed at establishing an independent Palestinian State with Al-Quds Al-Sharif as its capital and at consolidating peace and security in our region.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): It is no coincidence that the countries of the world meet annually on this very day to deal with the ongoing tragedy experienced by the Palestinian people for many decades. That tragedy persists despite the efforts of the international community represented by the United Nations Organization. To this day, there is still no real hope for an end to that tragedy, in particular through the creation of an independent Palestinian State capable of exercising its legitimate rights, including the right of return for all Palestinian refugees. It is important that the United Nations Organization and all of its members assume their permanent responsibilities on a yearly basis with regard to the Palestinian question until such time as all aspects of the matter have been justly resolved.

Israel, whose birth was made legitimate by a resolution of the United Nations, refuses to apply other resolutions of the United Nations. We must examine that in light of the fact that resolution 273 (III) of the General Assembly of 11 May 1949 made Israel's acceptance as a member of the United Nations contingent on its respect for the Charter and the two resolutions 181 (II) of 1947 and 194 (III) of 1948 that reaffirm the right of the Palestinian people to establish their own State and to return to their homeland. The General Assembly has taken note of the explanations and statements made by Israel in the Special Political Committee regarding those two resolutions, which still have not been implemented by Israel.

As a brother nation of the Palestinian people, whose tragedy, sadness and suffering we share and for whom we have expressed our full support to recover their rights, we speak to you today in full confidence, hoping that we will be able to put an end to that ongoing tragedy and that the international community will be able to stop the injustice and the aggression suffered by the Palestinian people in conformity with the purposes and principles of the Charter of the United Nations.

The ongoing Israeli occupation of Palestinian lands has become a kind of abhorrent colonialism that has deprived the Palestinians of all rights and freedoms and has imposed on them death, destruction, poverty, imprisonment and an endless, bloody conflict. I also refer to the tragedy of Palestinian refugees, who remain deprived of their inalienable rights. For more than 56 years now, Palestinian citizens, at least four million people representing three generations of families, have suffered from terrible injustice, and their existence is under constant threat.

Last year Israel continued to commit war crimes that know no bounds. Israel practices State terrorism and violates the human rights of the Palestinian people. As the Assembly knows very well, Israel has not hesitated to use all heavy and lethal weapons. It has besieged the Palestinian people, bombed them and killed their leadership, and it continues to practice all known and unknown forms of terrorism.

Palestinian land, homes, harvests, trees, infrastructure, the economy and the very life of Palestine have all become targets of brutal attacks by the occupying Israeli forces. The Israeli violence can be seen in the

collective punishments, and one recent Israeli decision has imposed ultimate death and suffering on people living under their occupation.

According to international sources, 700 children have been killed over the last three years, and even according to Israeli sources, they were among the 4,000 civilians killed. These 4,000 Palestinians were not ghosts; they were human beings that had their identity, human beings that had their hopes, dreams and ambitions. They were mothers, fathers, brothers, sisters, children. Fifty thousand Palestinians have also been injured; thousands of them have become disabled for life. The occupying forces have arrested more than 6,000 Palestinians, including more than 350 children and 75 women, and they have been subject to ferocious imprisonment conditions.

The various United Nations committees have shown that the checkpoints and the closure of Palestinian villages and the curfews have had a devastating effect on the Palestinian economy. The curfews and the closure of cities have kept Palestinians in cages. They have not been able to leave their homes to go to work or to the doctor's or to buy medicine. Children have been prevented from going to school. The destruction of thousands of homes in Gaza and the West Bank and in Jerusalem bears witness to the barbarity of the occupation.

Israel has crowned its terroristic practices and measures by building the separation expansionist wall on Palestinian land in order to protect illegal settlements with about 40,000 settlers in the occupied Palestinian territories, including in East Jerusalem. This expansionist colonialism was accompanied by acts of terrorism and violence perpetrated by the settlers against the innocent Palestinians, particularly in the last four years.

Added to this sombre and hateful scenario is the Advisory Opinion of the International Court of Justice, which has brought back a little bit of lost hope and has tried to restore justice in accordance with international law. This highest legal body of the United Nations system has asked that the construction of the separation wall be stopped, that the parts of it already built be dismantled and compensation be paid to the Palestinians, and that the illegal situation arising from the building of the wall not be recognized. Member States were requested to put an end to these Israeli violations. The General Assembly and the Security Council were invited by the International Court of Justice to adopt supplementary measures in order to bring an end to the illegal construction of the wall, measures we are still waiting for.

In conformity with its practice of flouting international law, Israel rejected the opinion of the International Court of Justice, as it has done with hundreds of General Assembly resolutions and dozens of Security Council resolutions, believing itself to be above the law, and launched an affront to our international Organization.

The Middle East is going through a critical period, particularly since the death of the Palestinian President, Yasser Arafat. The United Nations needs to stand by the side of the Palestinian people to help them re-establish order and enable them to continue their fight for freedom and to recover their legitimate national inalienable rights.

I would like to confirm that the Syrian Arab Republic continues to support the unity of the Palestinian people in facing the difficulties and challenges before them, as unity is the only guarantee of stopping those who do not want the Palestinians to move on to the next stage of their development. The international community is unanimous in affirming that a just and comprehensive peace in the Middle East, in particular a resolution of the Palestinian question, can be brought about only if all of the international resolutions, particularly Security Council resolutions 242 (1967) and 338 (1973), and the principle of land for peace and the Arab peace initiative are fully implemented.

While Arab countries have respected international resolutions during the peace negotiations that began in 1991, Israel continues to deploy all kinds of manoeuvrings and deception to move away from the peace framework, ignoring the will of the international community. Israel continues to manoeuvre and to mislead in order to win both land and peace, which cannot lead to lasting and comprehensive peace. Israel knows that peace can only be achieved by the establishment of an independent Palestinian State on Palestinian land, with Al-Quds Al-Sharif as its capital, and by full withdrawal from the Golan and the return of the remaining occupied Lebanese territories.

The Special Rapporteur for the Human Rights Committee, Mr. John Dugard, has declared that the affront by Israel to international law is a threat both to that law and to the international system itself. This is not the time for the international community to seek appeasement. It is high time for the international community to take a firm stand against the actions of

Israel, so that the Palestinian people will be able to determine their destiny and future and move towards the establishment of an independent State, in conformity with international law.

Mr. Baali (Algeria) (*spoke in French*): The report before the General Assembly today very clearly recounts the tragic situation in which the Palestinian people find themselves as a result of the actions of Israel, the occupying Power, and places the question of Palestine in a particularly distressing context.

It is clear from the report that, year after year, we are faced with the same pattern of violence and systematic violation of human rights perpetuated by Israel in the occupied Palestinian territories, including brutality and abuse of the civilian population, the use of brute force, a policy of targeted assassination, the destruction of Palestinian houses, confiscation of lands and a failure to respect the norms and principles of international law and international humanitarian law.

In deliberate violation of the obligations imposed on it by the Fourth Geneva Convention — in particular, paragraph 6 of Article 49 — and the principles of international law, Israel has, during the period covered by the report, continued its territorial expansion through the illegal construction of settlements and the establishment of outposts.

At the same time and despite the indignation of the international community and the unequivocal decision of the International Court of Justice — supported on 20 July 2004 by General Assembly resolution ES-10/15, on the illegal nature of the separation wall — Israel has continued to build that barrier, destroy houses and confiscate land.

Through those draconian measures, Israel is continuing to draw on the ground a new map of the occupied territories, thus seriously hindering the possibilities for the creation of an independent Palestinian State. Blockades and sieges imposed on Palestinian municipalities, as well as curfews, have continued, imposing major restrictions on the freedom of movement of Palestinians, thus suffocating any kind of social or economic life and radically hampering the functioning of what remains of the Palestinian Administration. In addition, massacres of civilians have further strengthened the feelings of despair, frustration and rage of the Palestinian population.

Algeria has been following with great concern the serious deterioration of the situation in the occupied Palestinian territories and reiterates its strong condemnation of the inhuman practices carried out by the Israeli Army against Palestinians, their property and their institutions.

On this International Day of Solidarity with the Palestinian People — which now is commemorating a lengthy period of plundering and injustice — my country wishes to reiterate its firm support for the heroic struggle being waged by this courageous people to implement its inalienable national rights.

The time has come for the international community to discharge its responsibilities and put an end to the Israeli policy of aggression and occupation. We greatly regret that the Security Council has not been shouldering its responsibility to make Israel abide by international law and is thus strengthening Israel's feeling of impunity, such that Israel now feels that it can pursue its policy of aggression and flout the will of the international community.

Given the situation, the international community must act without delay and redouble its efforts to create a favourable environment for the immediate implementation of the road map. Any kind of delay will only further increase the distress of the Palestinian people, allow Israel to impose new faits accomplis upon the occupied territories and eliminate, as it did for the Oslo process, any possibility of settling the question.

The international community, as represented by the Quartet, must become further involved in order to achieve a just and lasting solution to the conflict in the Middle East, based on respect for Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1544 (2004) and on the principle of land for peace, and to implement the road map as endorsed by the Security Council.

From that point of view, it is important to emphasize that the unilateral withdrawal by Israel from Gaza is merely the first stage of a total and comprehensive withdrawal from all of the territories occupied since 1967, including East Jerusalem, and must therefore be an integral part of the road map, which remains the sole framework agreed upon by the two parties for a just and final settlement of the Israeli-Arab conflict.

In order for that to occur in an orderly fashion, the modalities and timetable of the withdrawal must be the subject of negotiations between Israel and the Palestinian Authority. It is equally critical that the withdrawal be accompanied by the dismantling of all of the outpost settlements and the cessation of the settlement activities, which contravene international law.

An ultimate solution to the Arab-Israeli conflict hinges on the end of the occupation and the withdrawal of the Israeli Army from all of the occupied Arab territories — including the Syrian Golan and the last enclave occupied in Lebanon — a halt to all settlement activities in the occupied Palestinian territories, the dismantling of existing settlements, suspension of the construction of the separation wall and the renunciation, by Israel, of all policies tending to inflame passions and compromise peace initiatives.

Our Assembly must respond properly to the aspirations of the Palestinian people to the restoration of its legitimate rights and, first and foremost, the right to be the master of its own destiny and to create its own independent State, with Al-Quds Al-Sharif as its capital.

Thirty years ago, from this very rostrum, Yasser Arafat took a decision to extend to the Israeli adversaries an olive branch. He urged them not to let it fall from his hand and to seize the opportunity to conclude a just and lasting peace. Thirty years later, the elderly Palestinian leader, who was a symbol of the Palestinian cause and embodied the aspirations of its people, has now departed this life, but his offer of peace remains and his dream of a free and independent Palestinian State is more alive than ever before.

Mr. Assaf (Lebanon) (*spoke in Arabic*): Allow me at the outset to extend my thanks and appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for the report it has submitted, for the efforts they make and for the recommendations they have continued to submit since the establishment in 1975 of the Committee in its effort to promote the implementation of the inalienable rights of the Palestinian people.

In that context, we would like to point out that the inalienable rights of the Palestinian people were determined in General Assembly resolution 3376 (XXX) of 1975, which described three rights. First, the right of the Palestinian people to self-determination; secondly, the right to political independence; and thirdly, the right of the Palestinian refugees to return.

When we call something an inalienable right, we mean that it is an inherent, irrevocable, absolute right that cannot be changed or substituted or bartered for something else. But Israel is still depriving the Palestinian people of such inalienable rights, and is making their lives a hell. Where is the Palestinian inalienable right to self-determination when Israel continues its colonization of Palestinian territory, forcibly imposes its administration and its laws on the Palestinian people, deprives them of the right to express their wishes and diverts their lives onto an impossible path? In doing so, it contravenes Article 1 of the United Nations Charter, which affirms the right of peoples to self-determination.

Where is the inalienable Palestinian right to political independence when, since 1967, Israel has continued to occupy nearly 5,800 square kilometres of Palestinian territory in the West Bank and 360 square kilometres in the Gaza Strip? Israel is trying to cut the Palestinian territory into pieces, and to establish checkpoints, barriers and impediments of all sorts there. Those checkpoints number almost 600. The number of Palestinians killed since 2000 has reached nearly 4,000. Israel detains Palestinians and throws them in prison. The number of prisoners and detainees has reached nearly 6,000.

In addition, Israel refuses to submit to Security Council resolution 478 (1980), which determined that Israel's decision to annex Jerusalem and to make its laws applicable there was null and void. Where is the inalienable Palestinian right to political independence when Israel continues to construct the separation wall, which extends for 720 kilometres? Ninety per cent of the separation wall lies as far as 22 kilometres inside the territory of the West Bank.

According to the report of the Secretary-General (A/ES-10/248), Israel — in the event that it finishes building the separation wall — will have annexed almost 1,000 square kilometres of the total area of the West Bank. The International Court of Justice has issued an Advisory Opinion stating that the separation wall is illegal and calling upon Israel to demolish the wall and compensate the Palestinians for damages caused by it. But Israel has refused to comply with the Court's Advisory Opinion.

Where are the inalienable Palestinian rights regarding the return of Palestinian refugees to their land? Almost 4 million Palestinian refugees live in the diaspora, far from their land and from their homes, in the West

Bank, Gaza, Syria, Lebanon and Jordan — while Israel is searching north, south, east and west for new settlers to implant in the occupied Palestinian territories? In place of the 4 million Palestinian refugees who cannot return to the occupied Palestinian territory, there are now 400,000 new settlers brought in by Israel and spread among 200 settlements.

Finally, activating the inalienable rights of the Palestinian people is essential for resolving the question of Palestine. In that context, we call upon Israel to choose the path of peace and return to the negotiating table in order to bring about peace in accordance with the relevant United Nations resolutions and the principle of land for peace.

Mr. Manis (Sudan) (*spoke in Arabic*): The will of the Almighty has decreed that our Palestinian hero should leave us. He spoke 30 years ago from this very rostrum and said, "Do not let the olive branch fall from my hand" (*A/PV.2282, para. 82*). Once again, we would like to express our condolences to the Palestinian people on the death of their symbol, the leader of their struggle, their elected President, Mr. Yasser Arafat. We admire and commend the example set by the Palestinian people and their leadership in transferring power through democratic institutions that have stood the test of time. We are convinced that such people will be able to get over this difficult phase, thanks to their unity and their determination, and thanks to the legacy of their President, Yasser Arafat.

Without a doubt, the Palestinian question is of pivotal interest to the world and is at the heart of the Middle East conflict. The absence of a resolution of the conflict and the effects of the deterioration of the situation in that sensitive area of the world represent the greatest challenge to our Organization. The situation is an example of double standards and a policy of selectivity in the implementation of Security Council resolutions and international law. The Palestinian tragedy has become a tragedy of the conscience of the whole world. The deterioration of the security situation and the rise in violence call upon us to stand firmly against Israel's intransigence and arrogance.

The Organization's very credibility depends on our ability to ensure that the Charter is respected and international law applied. The Oslo and Madrid decisions, the numerous Security Council resolutions and the road map, accepted by all parties, represent the basis for a just settlement of the issue. The international community, which responds to Israel's aggression, arrogance and dangerous designs with mere statements of condemnation or denunciations and resolutions that Israel readily flouts, is called upon now, as we approach the sixtieth anniversary of our Organization, whose membership has quadrupled, to stand firmly in opposition to the status quo and to preserve the Security Council's credibility and effectiveness by compelling Israel to end the occupation; to withdraw immediately and unconditionally from the occupied Palestinian territories and the Syrian and Lebanese territories, pursuant to Security Council resolutions 242 (1967) and 338 (1973); and to allow the Palestinian people to establish their independent State with Al-Quds Al-Sharif as its capital.

However long we continue to debate the issue, I do not believe that we can match Mr. Kaddoumi's eloquence and accuracy in speaking about the occupied Palestinian territories and the savagery of the Israeli occupation. We therefore ask all peace-loving States and the international community to stand firmly with international law and legality in compelling the Israeli forces to respect international resolutions on the maintenance of international peace and security and to resolve the Palestinian question in a peaceful manner.

We should like to express our appreciation for the comprehensive report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and its important recommendations. We congratulate the Committee on its work, and in particular on the draft resolutions that were introduced by our friend Mr. Paul Badji, the Ambassador of Senegal and Chairman of the Committee, and which my delegation supports.

Mr. Aboul Atta (Egypt) (*spoke in Arabic*): The General Assembly is meeting today as it does every year to discuss one of the most important issues on its agenda — one that has been there for more than 50 years, since the adoption of resolution 181 (III) on November 1947 on the partition of mandated Palestine into two States, one Arab, one Jewish.

Since that day, the General Assembly has adopted dozens of resolutions reaffirming the legitimate and inalienable rights of the Palestinian people and calling on Israel to withdraw from the Palestinian territory it has occupied since 1967 and fully to restore all the rights of the Palestinian people, first and foremost among which are its rights of return, to self-determination and to establish its independent State on its territory, with its capital in East Jerusalem.

Many years have passed as the international community has continued to reaffirm the importance of the exercise of the inalienable rights of the Palestinian people. There is no argument that their rights are indeed inalienable and protected by international law and by a solid basis of international legality, manifested in the resolutions of the General Assembly and the Security Council. In supporting all efforts to achieve a peaceful settlement to the Middle East question, Egypt affirms that it has never forgotten that no just and comprehensive settlement can prejudice the right of the Palestinian people to self-determination and to establish its independent State or the right of Palestinian refugees to return to their homeland.

The question of Palestine has undergone grave developments over the past year, leading to increased frustration and despair. The international community cannot ignore or become oblivious to the repeated Israeli military incursions into the occupied territories in recent years, in which excessive and disproportionate force has been used, leading to huge losses of life and property. Nor can it pretend to be unaware of all the new settlements established in the occupied Palestinian territories, in clear violation of the resolutions of the General Assembly and the Security Council and of Israel's obligations under the road map. We cannot ignore the ongoing construction of the separation wall, yet another violation of the resolution of the resumed tenth emergency special session of the General Assembly and of the Advisory Opinion of the International Court of Justice.

Despite that regrettable backdrop, we are meeting today in special circumstances that compel us to look ahead and to work under the logic of optimism based on the hope of a brighter future for coming generations. Our hope remains tentative, lest we descend yet again into a spiral of violence from which we cannot extricate ourselves. It is tentative, too, given our skepticism of the other party's intentions, such as its potential to launch new military attacks against the Palestinians; to pursue the policies of siege, closures and restrictions; to expand the colonial settlements; and to extend the separation wall into the occupied Palestinian territories.

Egypt calls on Israel to set the necessary and appropriate stage for the holding of successful Palestinian elections, to implement a series of confidence-building measures, and to demonstrate its good intentions vis-à-vis the Palestinian question by alleviating the suffering of the Palestinian people, freeing Palestinian prisoners of war and detainees, and releasing monies owed to the Palestinian Authority as a well-intentioned gesture.

The international consensus established two years ago concerning the road map and the vision of two States, Palestinian and Israeli, living side by side in peace and security, compels the international community to approach the latest developments on the Palestinian scene with a new logic allowing confidence to be strengthened between the two parties, the adoption of encouraging incentives for the new Palestinian leadership, and the equitable and just treatment of repeated violations of the road map that does not exert selective pressure. This new logic must be based on a genuine and serious partnership between the parties, including the Quartet, which embodies the conscience of the international community as it seeks a just and comprehensive settlement of the Palestinian question.

In our discussion of recent developments in the region, we must note the unchanging elements of Egypt's position vis-à-vis the Israeli initiative to withdraw unilaterally from the Gaza Strip. Current regional and international efforts are seeking to establish criteria to ensure that, if it comes, the withdrawal will be in accordance with the road map and the commitments undertaken by the two parties in that regard.

Egypt emphasizes, first, that the withdrawal should be full and complete and not leave remnants or pockets that could threaten a return to the volatile situation at any moment and serve as a pretext for military intervention. Moreover, the withdrawal should not be excuse for imposing a broader siege on the Gaza Strip as a whole, converting it into a vast prison with a population under siege and unable to move or earn its livelihood. We call for the establishment of a corridor between the Gaza Strip and the West Bank to facilitate traffic and communications between the them. In addition, it is important to send international observers to the Gaza Strip to monitor the situation after the withdrawal and to ensure compliance by the two parties.

Finally, such an important step should not be taken without full coordination with the partner concerned — the Palestinian people — in order to ensure that the task is successfully completed and to prevent further deterioration of the situation. Therefore, Egypt has tried, since the announcement of the disengagement plan, to intensify communication between the Israelis and the Palestinians and to work to establish an integrated political and security programme to set up the safeguards

which will make the withdrawal successful and to facilitate the parties' return to the negotiating table.

The next few months represent a critical juncture in the peace process. Either it will lead to a final, just and comprehensive settlement, however long it takes, or it will descend forever into a swamp. In that case, the price will be paid by future generations of all the countries of the Middle East, without exception. Let us all unite to attain the objective of establishing an independent Palestinian State with its capital in East Jerusalem, existing side by side with Israel in peace and security, as established in the road map, without change or prevarication. That is the only guarantee of the comprehensive and lasting peace to which the international community looks forward.

Mr. Musambachime (Zambia): Mr. President, my delegation would like to thank you for this opportunity to address the Assembly on the question of Palestine under agenda item 37. My delegation would like to express its profound appreciation for the report of the Secretary-General presented under this item, contained in document A/59/574, which my delegation found to contain useful information.

I have taken the floor at this darkest hour in the history of Palestine, occasioned by the loss of the distinguished leader of the Palestinian people, His Excellency Mr. Yasser Arafat. He was a hero among the suffering Palestinian people fighting for a homeland. The Government and the people of Zambia, will remember Mr. Arafat as an icon of the struggle for freedom for his people. His passing away at the age of 75 years, on 11 November 2004, robbed the Palestinian people and the international community of a distinguished figure and a partner in the Middle East peace process. President Arafat symbolized the search for lasting peace in the Middle East based on the two-State principle, by which Israel and Palestine would live in peace, side by side.

The late President Arafat should be given credit for his personal contribution to the Middle East peace process through his efforts, on both the Camp David and the Oslo tracks, which resulted in the Madrid agreement. Zambia notes that no significant progress has been made in the political process that would consolidate the road map. The greatest honour that the world can give to that great man is to realize his dream of a peaceful Middle East region in which both Israel and Palestine would live in peace and harmony.

My delegation reiterates its support for the right of the Palestinian people to self-determination. We welcome the recent diplomatic initiatives by the United States of America and the United Kingdom for a peaceful settlement of the Middle East crisis. We hope that highlighting those initiatives will further strengthen the Quartet's road map. This is not a time to start afresh, but a time to continue the initiatives already in place.

My delegation would like to commend the Committee on the Exercise of the Inalienable Rights of the Palestinian People. We are pleased to note that it has continued to mobilize the international community in support of the Palestinian people in cooperation with the United Nations.

My delegation welcomes the Advisory Opinion of the International Court of Justice and the position of the General Assembly with respect to the separation wall. We remain concerned at the continued construction of the wall in the occupied West Bank in and areas close to East Jerusalem. The wall only serves to undermine international efforts aimed at resolving the Israeli-Palestinian conflict.

In conclusion, Zambia believes that the road map remains the best solution to the problem of establishing two States, Israel and Palestine, living side by side, based on the 1967 borders. Zambia is hopeful that a settlement will be found soon. In this regard, my delegation will once again support the draft resolution before the Assembly on this agenda item.

Mr. Rastam (Malaysia): My delegation associates itself with the statement made earlier this afternoon by His Excellency Ambassador Paul Badji, Permanent Representative of Senegal to the United Nations, in his capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. We thank him and the other members of the Bureau of the Committee for the report of the Committee as contained in document A/59/35. As one of its members, Malaysia continues to highly value the indispensable work concerning Palestine carried out by the Committee as well as by the Secretariat's Division for Palestinian Rights and other organs and bodies within the United Nations system. Malaysia highly commends the commitment, continued efforts and contribution of the Secretary-General and his Office in this connection. We hope that they will persevere with their tasks and mandates until peace is achieved in the region and a State of Palestine is created. We thank His Excellency Mr. Farouk Kaddoumi,

head of the Political Department of the Palestine Liberation Organization, for his statement.

On this day, when we are commemorating at the United Nations the International Day of Solidarity with the Palestinian People, my delegation would like first of all to reaffirm the continued and unequivocal support of the Government and the people of Malaysia for the leadership and the people of Palestine and our solidarity with them in their brave and valiant struggle to assert their inalienable rights. We remain committed to assisting the Palestinian leadership in its efforts to achieve peace and to create a State of Palestine.

It is indeed very apt that this debate on agenda item 37, "Question of Palestine", is held in conjunction with the observance of the International Day of Solidarity with the Palestinian People. To my delegation, this debate is as much a tribute to the memory of the late President Yasser Arafat as it is to the struggle of the Palestinian people to exercise their inalienable rights. However, it is also highly regrettable that no significant progress has been achieved in the process to find a political solution to this question. In fact, the harsh and inhumane policies and practices meted out by Israel, the occupying Power, against the Palestinian population have greatly contributed to the further deterioration of economic, social and humanitarian conditions in the occupied Palestinian territory.

The policies and practices adopted by Israel deserve our strongest condemnation. In that connection, my delegation finds the facts, figures and revelations contained in chapter IV of the report of the Committee most distressing. There have been too many deaths, too many injuries, too much destruction and indescribable suffering, especially among the Palestinians, as a result of the excessive, indiscriminate and disproportionate use of force, the wilful killing, extrajudicial executions and collective punishment, the destruction of homes, farmland and other property, the economic strangulation and increasing unemployment, the deprivation of education, health and medical services, as well as the other policies and practices committed deliberately and systematically by Israel against the Palestinian population. All this is contrary to Israel's obligation under international law, international human rights law and international humanitarian law. The international community must prevail upon Israel to respect those legal obligations just as other States are expected to do.

We have a duty here at the United Nations to stop all the continuing atrocities and abhorrent policies and practices committed by Israel against the Palestinian population. We should not consider the casualties and destruction on both sides on the basis of numbers or percentages alone. The life of each human being — man, woman or child — is sacred and precious and must be protected. Any act of violence inflicted upon innocent civilians in this conflict, be they Palestinians or Israelis, is unacceptable and deserves equal condemnation by all of us.

Malaysia has made clear our condemnation of violence and terrorism. But such violence and terrorism by the Palestinians are merely responses to Israel's continued occupation of Palestinian territories as well as its policies and practices resulting therefrom over the past 37 years. It is the obligation of both sides to transform this reversible deadly cycle of violence and terror to an enduring period of calm, peace and security in the region.

The construction by Israel of the separation wall in the occupied Palestinian territory, including in and around East Jerusalem, has introduced a new dimension to the Israeli-Palestinian conflict and could seriously endanger the prospect for peace in the region. The impact of the wall on Palestinian lives is overwhelming. The wall threatens the territorial integrity of a future State of Palestine, as envisaged in Security Council resolution 1397 (2002) and upheld in the road map.

The conclusion by the International Court of Justice, in its Advisory Opinion rendered last July, that the construction of the wall in the occupied Palestinian territory is contrary to international law should be respected by all, and in particular by Israel. Malaysia urges all Member States, especially Israel, to take all the necessary measures to ensure compliance with the Advisory Opinion and with resolution ES-10/15, adopted by the General Assembly at its resumed tenth emergency special session on 20 July 2004.

Malaysia also expects the Security Council to seriously and expeditiously look into this matter in accordance with its functions and powers under Article 24 of the United Nations Charter. Almost five months have passed without the Council responding to the Advisory Opinion of the Court, the highest judicial organ of the United Nations, on such an important question concerning the maintenance of international peace and security.

Malaysia reiterates its call upon members of the Quartet to play a more active and vigorous role to

resuscitate and salvage the road map and to put the peace process back on track. Malaysia notes with interest recent efforts by the Quartet in that connection and we fervently hope that those efforts will produce the desired outcome once and for all.

Israel must demonstrate to the international community that it is genuinely committed to a peaceful solution rather than a military one. Israel must realize that there can never be a military solution to the conflict. Similarly, the Palestinian Authority, with assistance from the international community, should take the necessary measures to continue with efforts to reform its relevant institutions and improve its security apparatus. We urge both sides to create, on the basis of and in compliance with the road map, the necessary environment that would enable negotiations to take place.

We look forward to the election of the President of the Palestinian Authority being conducted in a secure and peaceful environment, and to the resumption of the peace process thereafter. We urge both sides to return to the negotiating table without delay. The permanent two-State solution is the key to peace and security for both Israel and Palestine.

The question of Palestine remains high on the agenda of both the Non-Aligned Movement and the Organization of the Islamic Conference (OIC). Malaysia is Chair of the Non-Aligned Movement and of the tenth OIC Summit. This year, Malaysia and both organizations have taken and deployed several initiatives at various levels concerning the question of Palestine. Some of these initiatives are as follows.

First, the Prime Minister, in his capacity as Chairman of the Non-Aligned Movement and the tenth OIC Summit, and the Minister for Foreign Affairs of Malaysia, as Ministerial Chairman of the Non-Aligned Movement, have been in regular contact and discussion with their counterparts, in particular among members of the Quartet and all members of the Security Council. The question of Palestine has figured prominently in the discussion during their bilateral visits to some of those countries, and vice versa.

Secondly, Malaysia, together with members of the Troika of the Non-Aligned Movement — as represented by the Minister for Foreign Affairs of Malaysia and the Deputy Ministers for Foreign Affairs of Cuba and South Africa — participated in the public hearings of the International Court of Justice in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, held at The Hague from 23 to 25 February 2004. The representation at such a high level, together with delegations of a number of member countries of the Non-Aligned Movement, was a manifestation of the unflinching commitment and undivided solidarity of the Movement w. Palestine and its legitimate struggle.

Thirdly, Malaysia hosted in Putrajaya the special OIC ministerial meeting on the situation in the Middle East on 22 April 2004 and the ministerial meeting of the Non-Aligned Committee on Palestine on 13 May 2004. Following those meetings, ministerial delegations concerning Palestine for the OIC and the Non-Aligned Movement, chaired by the Minister for Foreign Affairs of Malaysia, were established. The ministerial delegations or their Chairman had met with the principals of the Quartet, namely the Minister for Foreign Affairs of the Russian Federation, Ireland, which at the time represented the European Union, the Secretary of State of the United States and the Secretary-General of the United Nations, as well as the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, in May and June 2004. The ministerial delegations conveyed the position of the OIC and the Non-Aligned Movement as well as exchanged views with their counterparts concerning the question of Palestine during the meetings. Both ministerial delegations and Malaysia, as Chair of the Non-Aligned Movement and the tenth OIC Summit, will continue to engage their counterparts in discussion on this important question as and when necessary in the future.

Finally, the Ministers for Foreign Affairs of both the Non-Aligned Movement and the OIC deliberated at length on the question of Palestine and other developments related thereto during their meetings or conferences this year. The OIC Ministers met twice — in Istanbul in June for the thirty-first session of the Islamic Conference of Foreign Ministers, and in New York in September for the annual coordination meeting. The Non-Aligned Ministers also met twice — in Durban in August for the fourteenth Ministerial Conference, and in New York in September for the annual ministerial meeting. The Non-Aligned Ministerial Committee on Palestine also met in Durban in August.

In addition, my delegation is pleased to inform the Assembly that the Non-Aligned Movement is engaging in preliminary consultations towards the convening of a special meeting of regional and international groupings concerning Palestine some time next year. The purpose of the special meeting would be, inter alia, to build a broad

partnership for achieving a peaceful solution to the Israeli-Palestinian conflict, further mobilizing the international community in support of the permanent two-State solution, based on the pre-1967 borders and on international law, and on the right of all States and peoples in the region to live in peace and security, free from violence and terrorism. Malaysia will provide further details concerning this initiative to all United Nations Member States in due course.

Malaysia, as Chair of the Non-Aligned Movement, has also assumed a leading role in the mobilization of global public opinion aimed at informing, alerting, increasing awareness and advocating about the complexity of the Palestinian question and the situation in the occupied territories. In that connection, a Malaysian non-governmental organization — Peace Malaysia — will be convening, from 28 to 30 March 2005 in Kuala Lumpur, an International Conference of Civil Society Organizations on Peace in Palestine. That initiative draws inspiration from the global anti-apartheid movement, which was successful in ending apartheid in South Africa.

The international community has a collective role to play in finding a solution to the Palestinian question. We must all work together to facilitate and intensify efforts to attain a just, comprehensive and lasting settlement of the Israeli-Palestinian conflict. The United Nations, including the General Assembly and the Security Council, has a permanent responsibility towards the question of Palestine until it is resolved in its entirety on the basis of the Charter and the relevant resolutions of the United Nations, particularly Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003). The question should also be resolved in accordance with international law and international humanitarian law. In that connection, Malaysia reaffirms its support for the important efforts of the Quartet and other concerned parties, and looks forward to fresh and bold initiatives aimed at resuming the peace process.

The General Assembly is the last bastion of hope for the Palestinian people. The Assembly must uphold the rule of law and the purposes and principles of the Charter. In that connection, Malaysia is pleased to join other delegations in sponsoring the four draft resolutions initiated by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, which have been presented by the Chairman of the Committee for consideration by the Assembly under this important agenda item.

In conclusion, I should like once again to express my delegation's hope that the delegation of Palestine will soon be able to sit among us in the General Assembly Hall appropriately as a delegation representing a full Member State of the United Nations. We look forward to the day when the international community will join with the Palestinians in celebrating the joy of their independence and statehood. May that day come to us in the immediate future in 2005, as envisaged in the road map and the relevant General Assembly and Security Council resolutions.

Mr. Al-Jomae (Saudi Arabia) (*spoke in Arabic*): I sincerely thank the members of the Committee on the Exercise of the Inalienable Rights of the Palestinian People for their efforts to make known the tragic situation in the occupied Palestinian territories, as set out in the Committee's comprehensive report (A/59/35) before us. The report reveals the deceitfulness of the Israeli occupation and its oppressive policies and brutal practices, which have contributed to the repeated and blatant violation of the rights of the occupied Palestinian people, whose sufferings have been prolonged by Israel's flagrant violation of the most fundamental principles of international human rights and humanitarian law.

The Committee's report describes the inhuman practices carried out by the Israeli occupation authorities against the Palestinian people. It is a tragic situation for the Palestinian people, who live under siege within their own territory — where all forms of persecution, violence and murder are being carried out — and who are humiliated daily in one way or another. No international law or international convention has protected their most fundamental humanitarian rights. They are the victims of all kinds of racist, savage practices, including an apartheid wall, new settlements, the confiscation of land, the destruction of infrastructure and the brutal demolition of homes, property and agricultural lands. Other kinds of brutal and racist practices include the deliberate killing of civilians, including extrajudicial executions; the detention and imprisonment of thousands of Palestinians; and the imposition of collective punishment on all the Palestinian people, including the late President Yasser Arafat.

Despite all that, anyone who resists the occupation, refusing to be humiliated, is prevented from finding a livelihood and has no other alternative but to sacrifice his life, and is called a terrorist who must be condemned. Even his family is punished. As regards the unjust occupier, he has the right to self-defence so that he can consolidate his occupation and colonization. Our only

solace lies in the justice of the Palestinian cause, which is reflected in the magnanimity of the international community, and which is in turn demonstrated in the support that the Palestinian cause receives from Member States of the United Nations and other international organizations.

The Kingdom of Saudi Arabia strongly condemns those Israeli policies and practices, the continued escalation of Israeli actions against the Palestinian people and the pursuit of unilateral Israeli policies aimed at achieving new territorial faits accomplis, which run counter to international legality and seek to cancel the road map and to find an alternative to it.

We therefore call upon the international community and the members of the Quartet to intervene in order to halt such hostile Israeli policies and prevent matters from escalating further, making the situation in the occupied Palestinian territory even more complex. At the same time, Saudi Arabia affirms that any Israeli withdrawal from the Gaza strip should be full and complete, accompanied by similar steps on the West Bank and carried out within the context of the road map, in full coordination with the Palestinian Authority.

The Kingdom of Saudi Arabia stresses that it is essential that the Israeli occupation authorities put an end to their intransigence and their pursuit of colonialist policies and that they pledge to implement the Advisory Opinion of the International Court of Justice of 9 July 2004, concerning the legal consequences of the construction of the separation wall in the occupied Palestinian territory, and General Assembly resolution ES-10/15 of 20 July 2004, adopted at the Assembly's tenth emergency special session. The Kingdom of Saudi Arabia believes that this juncture represents an historic opportunity to restore the rule of law in all international efforts aimed at appropriately addressing the Palestinian question and settling the Israeli-Palestinian conflict.

The Kingdom of Saudi Arabia once again reiterates its position, which calls upon Israel to withdraw from all occupied Palestinian territory, including the city of Al-Quds, and from all occupied Arab territories. Any arrangement in that regard should conform to the resolutions of international legality and to all peace initiatives — including the Arab peace initiative — aimed at protecting the legitimate right of the Palestinians to establish their own independent State with Al-Quds Al-Sharif as its capital.

Mr. Alsaidi (Yemen) (*spoke in Arabic*): The opening of the debate on this item coincides with the observance of the International Day of Solidarity with the Palestinian People. We commend the Palestinian people for their persistence and steadfastness in fighting to recover their usurped rights to freedom and self-determination, and we express our appreciation to the Organization for placing emphasis on the inalienable rights of that struggling and long-suffering people.

Although we appreciate the efforts of the Secretariat to prepare the reports before us today on an item unlike any other on the agenda of the General Assembly, we do not need to be reminded of the developments in the cause of the Palestinian people. Indeed, the media inform us continuously about developments in this tragic story; they transmit news house to house in this age of satellites. Organizations and agencies also publish developments on their Internet web sites. Nonetheless, all that is published and shown is but a limited picture of the daily suffering by the Palestinian people.

The extremist ruling clique in Israel has succeeded in exploiting the attacks of 11 September 2001 in order to change the vision and perception of others to the nature of its occupation of the Palestinian and Arab territories. Here, I would mention its expansionist policies and its continuous aggressive practices that have been referred to in the Secretariat's reports, especially in the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (document A/59/35). In addition to these reports, media reports emphasize that Israel continues its illegal and inhumane practices, as evidenced by the ongoing assassination of the national leadership of the Palestinian people, the extrajudicial execution of political activists, the destruction of houses and their dwellers under various pretexts, especially in the refugee camps, and the displacement of thousands of women, children and elderly persons. It also includes the systematic destruction of the infrastructure of the Palestinian economy, including the destruction of workshops, factories, schools and stopping the wheel of economic life in the occupied territories. It continues to isolate the Palestinian territories and cities from each other and from the world at large. The confiscation of more Palestinian land and the uprooting of thousands of trees, the destruction of wells and irrigation channels in order to build the racist wall, all under the pretext of defence needs. All of these practices run counter to the obligations of Israel, the occupying Power, in conformity with the Fourth Geneva Convention and the Advisory

Opinion of the International Court of Justice. The Israeli leaders are convinced that, by repeating a lie, it becomes an acceptable reality. Otherwise, how can we describe this twisted logic that those leaders use to distort reality and misrepresent conditions.

It is regrettable that some seek to please the Likud leadership, this being a clear contradiction; while others seek to please Tel Aviv for one reason or another. They ask us to see what is twisted as straight. Resisting foreign occupation, according to them, becomes terrorism. The lands that are acquired by force of arms become disputed lands; and the Palestinian forces that are struggling against foreign occupation become terrorist organizations; and their leaders become terrorists who need to be killed; and any criticism of Israel's expansionist aggressive policies becomes anti-Semitism. Instead of compelling Israel to respect the rights of civilians under occupation, we are asking those who are suffering under the yoke of colonialism to provide a certificate of good conduct as a precondition to merely explain their suffering.

Like many other States, mine was hopeful regarding the assurances that we have heard from the leaders of today's influential Powers, especially the American Administration's repeated statements about the necessity to establish a sovereign, independent Palestinian State to live side by side in peace with the State of Israel. We were also pleased at the commitment of the leaders who participated in the Sea Island, Georgia, meetings last June to seek a settlement to the Arab-Israeli conflict, thus enabling them to implement the programmes of political and economic reforms in the countries of the region. The reality, however, shows that there is no seriousness, that there is no will to deal with Israel's intransigence and to face the Israeli policies that erode and place obstacles in the way of all efforts towards peaceful settlement to the Palestinian question, including the road map.

It is regrettable to see that the peace process is slowing down. Despite the media campaigns, we have so far seen no light at the end of the tunnel of Palestinian suffering under the leadership of an extremist Government in Israel that is not convinced of peace; nor does it have within its agenda a vision or plan to realize peace. Everyone was lured by the declared withdrawal of Israeli forces from the Gaza Strip. However, the insistence of the Israeli Government to maintain the occupation forces in the West Bank, and the declared plans to expand the Israeli colonial settlements, clearly show Israel's continuing expansionist intentions.

The Palestinian question has been with this Organization since its inception. Throughout the years and decades we have witnessed it become a test of the Organization's effectiveness and of international will and credibility. The United Nations has adopted dozens of resolutions reiterating and emphasizing the rights of the Palestinians — their right to self-determination, their right to their land. However, these resolutions have remained dead letters, because of the inability of the Security Council and its permanent Members, as well as that of the members of the Quartet, to implement these resolutions. We see no way of implementing the resolutions of international legitimacy except through pressure on the Israeli Government, by compelling it to abide by those resolutions, even if it meant the imposition of sanctions, as stipulated in Chapter VII of the United Nations Charter, exactly as had been done in the case of States that had adopted policies of aggression and ethnic cleansing and that had ignored human rights and the will of the international community.

The ongoing tragedy of the Palestinian people reflects the international community's inability to deal with Israel, which has practically become a State above the law. In that context, we share the Secretary-General's view, expressed in his statement at the opening of the current session of the General Assembly, that the flaw in the present international system lies in its failure to enforce the law and in its tendency to allow selective applications of the law.

In conclusion, any reform of the system of international relations must seek the establishment of an international order that is more just and equitable, starting with an end to the occupation and oppression of the Palestinian people.

The meeting rose at 6.15 p.m.